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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/293,198	04/16/1999	RAUL RAUDALES	09879/03001	4556

7590

10/04/2002

Mesoamerican Development Institute Corp.
669 Stevens St.
Lowell, MA 01851

EXAMINER

RAGONESE, ANDREA M

ART UNIT

PAPER NUMBER

3749

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/293,198

Applicant(s)

RAUDALES, RAUL

Examiner

Andrea M. Ragonese

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 22-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 32-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on July 25, 2001 was filed after the mailing date of the Non-Final Rejection Office Action on July 3, 2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

2. Although Applicant has submitted an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions, Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

3. In a printed publication, "Solar-Dried Coffee Technology" found on the website <http://www.sunutility.com> in June 2000, a description of the invention was disclosed in this country before the invention thereof by the Applicant for the patent. An excerpt of the article, provided in the 35 U.S.C. 102(a) rejection of the previous Office Action, dated July 3, 2000, Paper No. 7, reveals that the apparatus of the instant application has been in use and was known by Mesoamerican Development Institute and others in a foreign country since 1994, which is well outside the statutory limitations as stated in 35 U.S.C. 102(a). This reference proves that Applicant and Assignee had prior knowledge of this invention; therefore, Applicant is required to distinguish the invention as claimed over the prior art, including structural details. Proof must be submitted that the invention for the instant application was **not** known or used by others in this country,

or patented or described in a printed publication in this or a foreign country, before the invention thereof by applicant for the patent. Until such distinction is made and/or proof provided to the Examiner, the 102(a) rejection of **claims 1-21 and 32-42**, as described in the previous Office Action, Paper No. 7, is hereby repeated and still stands.

4. It has come to the Examiner's attention through the Supplemental Information Disclosure Statement filed by Applicant in Paper No. 3 on May 27, 1999 that Applicant made the invention known to others in printed publications, "Solar/Biomass Coffee Drying Systems" and "Café SolarTM," for a presentation to the Special Coffee Association in this or a foreign country in March 1997, which is more than the statutory bar of one year prior to the date of application for the patent in the United States. This disclosure of prior art, as stated in the 35 U.S.C. 102(b) rejection of the previous Office Action, dated July 3, 2000, Paper No. 7, proves that the apparatus of the instant application was not only described in a printed publication, but also in public use or on sale in this country for at least 48 months prior to application for a patent, which is well outside the statutory limitations as stated in 35 U.S.C. 102(b). These references prove that Applicant and Assignee had prior knowledge of this invention; therefore, Applicant is required to distinguish the invention as claimed over the prior art, including structural details. Proof must be submitted that the invention for the instant application was **not** described in a printed publication in this or a foreign country or in public use or on sale in this country more than one year prior to application of the invention thereof by applicant for the patent. Until such distinction is made and/or proof provided to the

Examiner, the 102(b) rejection of **claims 1-21 and 32-42**, as described in the previous Office Action, Paper No. 7, is hereby repeated and still stands.

5. The Examiner is requiring that, from individuals identified under 37 CFR 1.56(c), or any assignee, the submission of such information that is reasonably necessary to properly examine or treat a matter in a pending or abandoned application. The scope of 37 CFR 1.105 is extended to any assignee because the information required may be known to some members of the assignee even if not known by the inventors. The authority for the Office to make such requirements arises from the statutory requirements of examination pursuant to 35 U.S.C. 131 and 132. See MPEP § 704.10 and 704.11.

Conclusion

6. Upon updating the search since the previous Office Action, the prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Webb et al. (US 4,006,260), Everitt (US 4,221,059), Soucy (US 6,202,321 B1) and Soucy (US 6,438,862 B1) all disclose solar drying methods and apparatuses. The following websites contain information regarding solar coffee drying methods and apparatuses:

- <http://www.merchantsofgreencoffee.com/MGCArticle2.pdf>
- <http://energy.caeds.eng.uml.edu/coffee.html>
- <http://www.ases.org/2000/march-Apr/feature2.html>

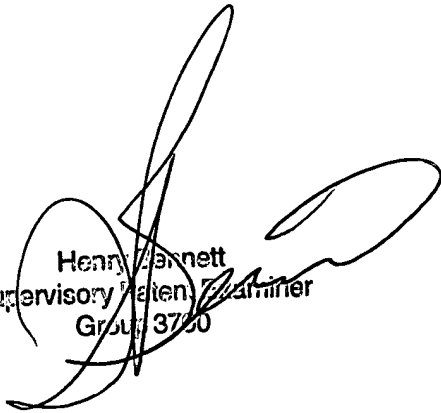
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Andrea M. Ragonese** whose telephone number is **(703) 306-4055**. The examiner can normally be reached on Monday through Thursday from 6:30 am until 5 pm.

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8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on (703) 308-1935. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

amr
October 1, 2002



Henry Bennett
Supervisory Patent Examiner
Group 3750